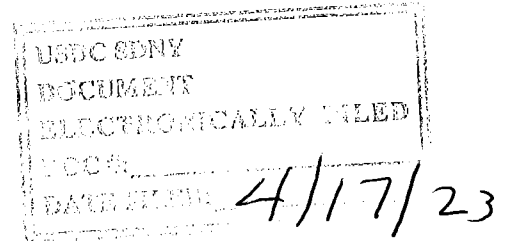


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



-----X
TERRELL K. BROCK,
Plaintiff,

v.

CVS CORPORATION; LEONARDO
CORONADO; ASHLEY CAMACHO; CITY OF
WHITE PLAINS; JOSE LUIS FORMOSO; P.O.
C. BROWNING; P.O. SCHNEIDER; P.O.
BEALL; P.O. VANDERWALKER; P.O.
LEVITO; P.O. GLYNN; P.O. DIPATERIO; and
P.O. HORGAN,
Defendants.

ORDER

22 CV 4014 (VB)

Copies Mailed/Faxed 4/17/23
Chambers of Vincent L. Briccetti

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Plaintiff, who is proceeding pro se and in forma pauperis, commenced this action on May 16, 2022. (Doc. #2). By Orders dated November 21, 2022 (Doc. #37), December 7, 2022 (Doc. #53), and January 11, 2023 (Doc. #61), the Court set out additional, relevant procedural history of the case.

Because plaintiff is proceeding in forma pauperis, he is entitled to rely on the Court and the U.S. Marshals Service to effect service. Walker v. Schult, 717 F.3d. 119, 123 n.6 (2d Cir. 2013).

By letter dated December 5, 2022, Elizabeth Mirisola, Esq., Senior Assistant Corporation Counsel for the City of White Plains Law Department (“WPLD”), filed a letter stating “[t]he City of White Plains will accept service for all White Plains Police Officers involved . . . at the Corporation Counsel’s office located at 255 Main Street, White Plains, New York, 10601, 2nd Floor.” (Doc. #51).

By Order dated January 11, 2023, the Court ordered the U.S. Marshals to serve Police Officers Beall, DiPaterio, Formoso, Glynn, Horgan, Levito, Schneider, and Vanderwalker at the address listed above. (Doc. #61). Further, the Court extended plaintiff’s Rule 4(m) deadline to serve these defendants to April 12, 2023. (Id.).

To date, proof of service not been filed on the docket for Police Officers Beall, DiPaterio, Formoso, Glynn, Horgan, Levito, Schneider, or Vanderwalker.

In addition, no notice of appearance has been filed on behalf of Police Officer Browning, who was served on August 25, 2022. (Doc. #31).

Accordingly, it is HEREBY ORDERED:

1. By **April 21, 2023**, in the interest of efficient case management and in light of the WPLD's letter dated December 5, 2022 (Doc. #51), counsel for the City of White Plains shall inform the Court whether they agree to accept electronic service of the fourth amended complaint filed on the ECF docket (Doc. #60), on behalf of the remaining White Plains police officer defendants. If the City of White Plains agrees to accept electronic service on their behalf, counsel shall file a notice of appearance on behalf of all White Plains police officer defendants by **April 21, 2023**.

2. The time for all parties to answer, move, or otherwise respond to the fourth amended complaint and any cross-claims remains STAYED pending further Court Order.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith, and therefore in forma pauperis status is denied for the purpose of an appeal. Cf. Coppedge v. United States, 369 U.S. 438, 444–45 (1962).

Chambers will mail a copy of this Order to plaintiff at the address on the docket.

Dated: April 17, 2023
White Plains, NY

SO ORDERED:

A handwritten signature in black ink, appearing to read 'Vincent Briccetti', written over a horizontal line.

Vincent L. Briccetti
United States District Judge